

REMARKS

Claims 1-2 and 4-5 are pending in the application. Claims 1 and 2 have been amended. Applicant requests reconsideration in view of the Amendment and Remarks submitted herewith.

The Examiner has objected to the specification and drawings. Applicant has amended the specification as suggested by the Examiner. Figure 9B was amended to change 61a to 61b. Support for this change is found on page 18, lines 24-25.

In addition, the Examiner has also objected to the drawings and states that the additive must be shown in the drawing. However, Applicant has amended claims 1 and 2 to claim the structure rather than the additive material. Accordingly, Applicant respectfully requests that this objection to the drawings be withdrawn.

Claims 1-2 and 4-5 stand rejected under U.S.C. § 103(a) as being unpatentable over Wijenberg (US 6,259,205) in view of Minamikata et al. (US 5,331,249) ("Minamikata").

Claims 1-2 and 4-5 include the following limitation: "wherein a concave section that is adapted for loading an additive material is formed on said discharge electrode." Wijenberg and Minamikata do not teach or suggest this limitation.

The Examiner asserts that Minamikata teaches a concave irregularity which is formed on a discharge electrode. However, Minamikata does not teach or suggest that the concave section is adapted for loading an additive material and in fact, the structure in Minamikata cannot hold an additive material. The electrode structure in Minamikata has small holes 7 and thus, is not adapted for loading an additive material.

Accordingly, for at least the foregoing reason, Applicant respectfully requests that the rejection as to claims 1-2 and 4-5 be withdrawn.

In addition, claims 4-5 are patentable for additional reasons. Claims 4 and 5 include the following limitation: "wherein a projecting section for discharge start-up is provided on said discharge electrode." The Examiner asserts that Minamikata teaches in figures 1a and 1b that a discharge tube has a projecting section 6a on the discharge electrode. However, the numeral 6a in Minamikata does not represent a projecting section, but rather represents an end face. There is nothing located on the end face that could be construed as a projecting section. See figures 1a and 1b.

Accordingly, for this additional reason, Applicant respectfully requests that the rejection as to claims 4 and 5 be withdrawn.

Moreover, the Examiner cannot establish obviousness by locating references that describe various aspects of a patent applicant's invention without also providing evidence of

the motivating force which would have impelled one skilled in the art to do what the patent applicant has done. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. Int. 1993).

In this case, it is not obvious to modify Minamikata to have the electrodes be axially adjustable, as required by the claimed invention. The Examiner asserts that although Minamikata is silent to an exact method of axially adjusting the electrodes to a predetermined gap, it is obvious that occasionally small adjustments will be required to insure the discharge gap is correct and require adjustable fixing positions. Applicant respectfully traverses.

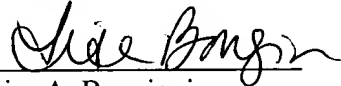
It is not that Minamikata is just silent to an exact method of axially adjusting the electrodes, but Minamikata's electrodes cannot be adjusted. As shown in figure 1, the electrode bases are designed so as to fit into exactly the same place each time the electrode is mounted into the casing 2. There are screw threads 3, which allow the electrode base to be mounted to the casing, and the electrode base is threaded "in such a manner as to close openings at the opposite ends of the casing 2." See column 3, line 16. As such, the electrodes are mounted to the exact same place each time they are placed in the casing. Accordingly, there is nothing in Minamikata that would teach axially adjusting the electrodes to a predetermined gap, and in fact, Minamikata actually teaches away from such adjustment.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Lisa A. Bongiovi
Registration No. 48,933
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 23413

October 24, 2003